

567—70.4(17A,455B,481A) Requesting approval of floodplain development.

70.4(1) *Development needing approval.* Any development in a floodway or floodplain which exceeds the thresholds in 567—Chapter 71 and is not otherwise regulated by a department floodplain management order or a department-approved, locally adopted floodplain management ordinance requires a department floodplain development permit.

70.4(2) *Applying for a floodplain development permit.* Application for a floodplain development permit shall be made on DNR Form 36 or a reasonable facsimile thereof. The application shall be submitted by or on behalf of the person or persons who have or will have responsibility by reason of ownership, lease, or easement for the property on which the project site is located. The application must be signed by the applicant or a duly authorized agent. Completed applications along with supporting information shall be mailed or otherwise delivered to the Floodplain and Dam Safety Section, Environmental Services Division, Iowa Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319.

70.4(3) *Engineering plans.*

a. General requirement of certified plans. An application shall not be considered complete until sufficient engineering plans have been submitted to enable the department to determine whether the project as proposed satisfies applicable criteria. The engineering plans shall contain information, as specified by the department, which is needed for the department to conduct a technical review pursuant to paragraph 70.5(3) “*b.*” The engineering plans shall include specifications, operation procedures and other information relating to environmental impacts. The engineering plans and other engineering information shall be certified by a licensed professional engineer or, if applicable, a licensed land surveyor, as required by Iowa Code chapter 542B. Duplicate copies of certified plans are required so that one copy can be returned to the applicant upon approval or disapproval of the application. An additional copy of the certified plans shall be required if the plans are incorporated as part of an approval or disapproval order which is filed with a county recorder.

b. Waiver of submission of certified plans. The department may waive the requirement in paragraph “*a*” of this subrule that the application for approval of a floodplain project be supported by certified engineering plans by making one of the following determinations:

- (1) Engineering data are not required to determine that the project conforms to all applicable administrative and statutory criteria; or
- (2) Adequate engineering data used to evaluate the dimensions and effects of the project were already available to the engineering staff.

70.4(4) *Application fee.* Reserved. No fee is charged at this time.

70.4(5) *Modification of application or plans.* Applicants and prospective applicants are encouraged to communicate with the department’s staff before submitting plans to identify the data required for review of a project and to discuss project modifications reasonably required to make the project conform to applicable criteria. When staff review of submitted plans discloses need for plan modification to conform to one or more criteria, the applicant is encouraged to submit revised plans.

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